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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200207762-1

Inventor(s): David Keller et al.

Confirmation No.: 8154

Application No.: 10/769,252

Examiner: S. Fidler

Filing Date: January 30, 2004

Group Art Unit: 2861

Title: NOZZLE DISTRIBUTION

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment
☐ New fee as calculated below
☒ No additional fee
☐ Other

- ☐ Petition to extend time to respond
☐ Supplemental Declaration

Fee\$

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEB INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	<input type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$450	<input type="checkbox"/> 3rd Month \$1020	<input type="checkbox"/> 4th Month \$1590		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being
transmitted to the Patent and Trademark Office
facsimile number (571) 273-8300.
Date of facsimile: April 17, 2006

Typed Name: Christie A. Doolittle

Signature: Christie A. Doolittle

Respectfully submitted,

David Keller et al.

By Walter W. Karnstein

Walter W. Karnstein

Attorney/Agent for Applicant(s)

Reg No.: 35,585

Date: April 17, 2006

Telephone: (503) 224-6655

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Respectfully submitted,

David Keller et al.

By Walter W. Karnstein

Walter W. Karnstein
Attorney/Agent for Applicant(s)

Reg No. : 35,565

Date : April 17, 2006

Telephone : (503) 224-6655

Rev 1/05 (TransAmndFax)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 17 2006

In re Application of

Dated: April 17, 2006

DAVID KELLER, RONALD A. ASKELAND,
STEVE STEINFELD and WAYNE RICHARD

HP Docket No. 200207762-1

Serial No. : 10/769,252

Examiner S. Fidler

Filed : January 30, 2004

Group Art Unit 2861

For : NOZZLE DISTRIBUTION

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

**RESPONSE TO RESTRICTION
REQUIREMENT UNDER 35 U.S.C. § 121**

This is responsive to the Restriction Requirement dated March 22, 2006. As of this filing, claims 1-31 and 36-45 remain pending in the application. The Examiner has, however, indicated that the application contains claims directed to the following patentably distinct species:

Species I A fluid ejection device having a random predetermined intended distribution of nozzle sizes

Species II A fluid ejection device having a uniform predetermined intended distribution of nozzle sizes

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KH Docket No. HPCS 322

Species III A fluid ejection device having a normal predetermined intended distribution of nozzle sizes

Species IV A fluid ejection device having a binary predetermined intended distribution of nozzle sizes

The Examiner asserts that the indicated species are mutually exclusive, and thus, that the present election requirement is proper. Applicants respectfully disagree with the Examiner's characterization that the species are mutually exclusive, and thus request consideration of all of the indicated species in the present application.

The Examiner indicates that claims 1, 12, 23, 31 and 36 are generic, and requires applicants to elect a single disclosed species to which prosecution on the merits shall be restricted if no generic claim is finally held to be allowable. Applicant understands that in the event that any of these generic claims are indicated allowable, all of the currently-pending claims will be considered.

Accordingly, pursuant to the Examiner's requirement, applicants hereby elect Species III. As currently drafted, and accepting only for the sake of election that the Examiner's characterization of mutual exclusive species is accurate, claims 1, 4, 6-12, 15, 17-23, 25, 27-31, 36, 39 and 41-45 read on Species III.

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Serial No. 10/769,252
HP Docket No. 200207762-1
KH Docket No. HPCS 322

If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner S. Fidler, Group Art Unit 2861, Assistant Commissioner for Patents, at facsimile number (571) 273-8300 on April 17, 2006.



Christie A. Doolittle

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